

Message Text

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14-11

ACTION NEA-09

INFO OCT-01 ISO-00 L-02 CIAE-00 DODE-00 PM-03 H-02 INR-07

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AID-05 IO-10 /070 W

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R 180435Z APR 75

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 9708

INFO AMEMBASSY KABUL

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBLZSSY NEW DELHI

C O N F I D E N T I A L ISLAMABAD 3416

E.O. 11652: GDS

TAGS: PINT, PK

SUBJECT: NAP IN THE SUPREME COURT DOCK

REF: LAHORE 419 (NOTAL)

SUMMARY: AID LEGAL ADVISOR ZARR ATTENDED SUPREME COURT PRELIMINARY HEARING ON NAP CASE AND CAME AWAY WITH DISTINCT IMPRESSION THAT COURT INTENDS TO MAKE GOP PROVE ITS CASE AND GIVE NAP FULL OPPORTUNITY TO DEFEND ITSELF. END SUMMARY.

1. ZARR LISTENED TO TWO AND ONE HALF HOURS OF NAP-GOP COUNTER-ARGUMENTS DURING APRIL 11 SUPREME COURT SESSION. NAP SEEMED HAVE EXCELLENT LEGAL REPRESENTATION, WITH DEFENSE TEAM HEADED BY MIAN MAHMUD ALI KASURI, FORMER GOP LAW MINISTER AND ONE OF PAKISTAN'S LEADING ATTORNEYS. COURTROOM WAS JAM-PACKED WITH LAWYERS, GOP OFFICIALS AS WELL AS SEEMINGLY WIDE-CROSS SECTION GENERAL PUBLIC. KASURI AND ATTORNEY-GENERAL YAHYA BAKTIAR ENGAGED IN HEATED ARGUMENTS ON VARIETY OF PROCEDURAL POINTS.

2. FOLLOWING DECISIONS EMANATED FROM SUPREME COURT SESSION:

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(A) ATTORNEY-GENERAL AGREED TO ALLOW 10 JAILED NAP LEADERS TO BE BROUGHT TOGETHER TO JOINTLY CONSULT THEIR COUNSEL ON APRIL 19-21 TO PREPARE COMMON DEFENSE THEIR OWN CASES AND NAP CASE.

(B) ATTORNEY-GENERAL AGREED TO GOP'S RELEASING MONEY FROM PARTY FUNDS WHICH WERE FROZEN WHEN NAP WAS BANNED IN FEBRUARY 1975 TO PAY NAP DEFENSE COSTS. CHIEF JUSTICE HAD HINTED IN HEARING THAT HE WAS INCLINED TO ORDER SUCH A RELEASE.

3. CHIEF JUSTICE ALSO CAUTIONED PARTIES TO REFRAIN FROM ANY ACTIONS THAT COULD MAKE THEM QTE LIABLE TO BE PROCEEDED AGAINST IN ACCORDANCE WITH LAW UNQTE. THIS ADMINITION CAME IN RESPONSE TO KASURI'S PLEA THAT GOP-CONTROLLED MEDIA WERE PUBLISHING FALSE AND MALICIOUS ATTACKS ON NAP AND ITS MEMBERS. CHIEF JUSTICE REMINDED PARTIES THAT UNDER ALMOST UNIVERSALLY ACCEPTED PRINCIPLES, QTE COMMENTS SHOULD NOT BE MADE WITH REGARD TO PROCEEDINGS WHICH ARE SUB JUDICE UNQTE.

4. IN RELATED MATTER, THE SUPREME COURT DENIED A MOTION TO DISMISS A CONTEMPT OF COURT PETITION AGAINST PRIME MINISTER BHUTTO (REFTEL). PETITION FILED BY OPPOSITION MNA CHAUDHARY ZAHUR ILAHI (CML) AROSE OUT PM'S ALLEGED IMPLICIT INTIMIDATION OF COURT IN MARCH 21 LYALLPUR SPEECH. THE CONTEMPT HEARING PRESENTLY SET FOR LATE APRIL, BUT EXPECTED TO BE DELAYED TILL LATE MAY.
BYROADE

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